IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Bail Appl..No. 3033 of 2007()

CP.24/2007 of J.M.F.C.,OTTAPPALAM
C.R.NO.6/05 OF OTTAPPALAM EXCISE RANGE

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: PETITIONER/ACCUSED.

SHAILAJA @ SARASWATHI, AGED 33 YEARS,
W/O. SASIDHARAN, NELLULIYIL HOUSE, MEETTINA DESOM,
OTTAPPALAM II VILLAGE, OTTAPPALAM, PALAKKAD.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS: STATE OF KERALA/COMPLAINANT.

STATE OF KERALA,
REPRESENTED BY THE EXCISE INSPECTOR, EXCISE RANGE
OFFICE, OTTAPPALAM, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3033 OF 2007

Dated this the 23rd day of May, 2007

O R D E R

Petitioner, who is the sole accused in C.R.No.6/2005 of Ottappalam Excise Range for an offence punishable under section 8(2) of the Abkari Act for allegedly having been found in possession of 2.5 litres of illicit arrack, seeks anticipatory bail.

2. The case is now pending before JFCM, Ottappalam as C.P. No.24/2007. Even if no warrant of arrest is pending against the petitioner, anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, bearing in mind the decision in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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